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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,927	09/28/2005	Frank Sansevero	60429-234; OT-5276LAB	3758

64779 7590 03/09/2007  
CARLSON GASKEY & OLDS  
400 W MAPLE STE 350  
BIRMINGHAM, MI 48009

EXAMINER
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PRAKASAM, RAMYA G

ART UNIT	PAPER NUMBER
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3651

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/550,927

Applicant(s)

SANSEVERO ET AL.

Examiner

Ramya G. Prakasam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,8-16 and 20-22 is/are rejected.
- 7) ☒ Claim(s) 4-7 and 17-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/28/05</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Objections*

1. Claim 7 is objected to because of the following informalities: Claim 7 recites a “landing near an end of the conveyor the and the recess...” The claim appears to have an improperly placed ‘the’. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 8, 10-11, 13-15, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Mehler (U.S. Patent No. 5,782,330).

Mehler discloses a device for use with a passenger conveyor comprising:

- A display that provides a visible indication of a direction of movement of the conveyor (36 traffic light – indicates which direction can enter the conveyor), and a variable, visible indication of maintenance information regarding the conveyor (44 – display markings to indicate operational status).
- Wherein the display operates in a first mode to provide the direction indication and a second mode to provide the maintenance information (See Column 3, lines 46-67).
- Including at least one switch supported near the second display panel, the switch being actuable to selectively view available maintenance information (42 – selectively view a vertical green line versus a horizontal red line).

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- A controller that controls the display (38) and wherein the controller automatically sets the indication to correspond to a direction of movement of the conveyor or the maintenance information (See Column 4, lines 1-17).
- Wherein the controller uses information regarding an operation of a machine of the conveyor to determine the corresponding indication (See Column 4, lines 1-17).
- A plurality of steps that are moveable along a selected path between two landings (12 – See Figure 1)
- A machine that selectively moves the steps (See Column 4, lines 1-17).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 12, 16, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mehlert in view of Williams (U.S. Patent Application Publication No. 2003/0000798).

Mehlert discloses all claimed limitations, including a first display panel that provides at least the direction indication, and a second panel, which includes a control unit, operable to control the operation of the escalator. Mehlert, however fails to disclose a second panel that displays provides at least some of the maintenance information and that the maintenance information be at least one of a fault code indicator, operation time information, energy consumption information or maintenance history information. Williams provides an escalator control unit (12) that is installed with a monitor display (246) for the purpose of displaying

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indicators for present and historical faults (ie maintenance history information) (See Paragraph 56). It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify Mehler by including on the second panel control unit a monitor display for the purpose of displaying indicators for present and historical faults.

6. Claims 9 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mehler in view of Zaharia (U.S. Patent No. 5,708,416).

Mehler discloses all claimed limitations, except for the use of a wireless transmitter. Zaharia discloses the use of a wireless transmitter (30) for the purpose of remotely controlling the escalator and its components as necessary (See Column 3, lines 30-46). It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify Mehler by utilizing a wireless transmitter for the purpose of remotely controller the escalator and its components, including the display panel.

***Allowable Subject Matter***

7. Claims 3-7 and 17-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: Claims 3 and 17 provide that the first display panel that provides direction indication and the second display panel that provides at least some of the maintenance information are supported for movement relative to the support between a first position where the first panel is visible and a second position where the second panel is visible (such that the two panels are on opposite

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sides). These limitations, in combination with the other limitations in the claims, were not found in the relevant prior art.

*Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramya G. Prakasam whose telephone number is (571) 272-6011. The examiner can normally be reached on Monday - Thursday, 8:30am-7pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

3/5/2007  
RGP

  
GENE CRAWFORD  
SUPERVISOR/PAIR EXAMINER